

House Amendment 1327

PAG LIN

1 1 Amend Senate File 413, as passed by the Senate, as
1 2 follows:
1 3 #1. Page 1, by inserting before line 1 the
1 4 following:
1 5 <Section 1. Section 20.3, Code 2007, is amended by
1 6 adding the following new subsection:
1 7 NEW SUBSECTION. 1A. "Bargaining unit" means only
1 8 those employees in a particular class of employees who
1 9 voluntarily agree to be represented by an employee
1 10 organization.>
1 11 #2. Page 4, by inserting after line 22 the
1 12 following:
1 13 <Sec. _____. Section 20.10, subsection 2, paragraph
1 14 f, Code 2007, is amended to read as follows:
1 15 f. Deny the rights accompanying certification or
1 16 ~~exclusive~~ recognition granted in this chapter.
1 17 Sec. _____. Section 20.14, subsection 1, Code 2007,
1 18 is amended to read as follows:
1 19 1. Board certification of an employee organization
1 20 as ~~the exclusive~~ a bargaining representative of a
1 21 bargaining unit shall be upon a petition filed with
1 22 the board by a public employer, public employee, or an
1 23 employee organization and an election conducted
1 24 pursuant to section 20.15. However, notwithstanding
1 25 any provision of this chapter to the contrary,
1 26 multiple employee organizations may represent teachers
1 27 who are licensed under chapter 272 and who are
1 28 employed by a public employer which is a school
1 29 district or area education agency.
1 30 Sec. _____. Section 20.15, subsection 6, Code 2007,
1 31 is amended to read as follows:
1 32 6. A petition for certification as ~~an exclusive~~ a
1 33 bargaining representative shall not be considered by
1 34 the board for a period of one year from the date of
1 35 the certification or noncertification of ~~an exclusive~~
1 36 a bargaining representative or during the duration of
1 37 a collective bargaining agreement which shall not
1 38 exceed two years. A collective bargaining agreement
1 39 with the state, its boards, commissions, departments,
1 40 and agencies shall be for two years and the provisions
1 41 of a collective bargaining agreement except agreements
1 42 agreed to or tentatively agreed to prior to July 1,
1 43 1977, or arbitrators' award affecting state employees
1 44 shall not provide for renegotiations which would
1 45 require the refinancing of salary and fringe benefits
1 46 for the second year of the term of the agreement,
1 47 except as provided in section 20.17, subsection 6, and
1 48 the effective date of any such agreement shall be July
1 49 1 of odd-numbered years, provided that if ~~an exclusive~~
1 50 a bargaining representative is certified on a date
2 1 which will prevent the negotiation of a collective
2 2 bargaining agreement prior to July 1 of odd-numbered
2 3 years for a period of two years, the certified
2 4 collective bargaining representative may negotiate a
2 5 one-year contract with a public employer which shall
2 6 be effective from July 1 of the even-numbered year to
2 7 July 1 of the succeeding odd-numbered year when new
2 8 contracts shall become effective. However, if a
2 9 petition for decertification is filed during the
2 10 duration of a collective bargaining agreement, the
2 11 board shall award an election under this section not
2 12 more than one hundred eighty days nor less than one
2 13 hundred fifty days prior to the expiration of the
2 14 collective bargaining agreement. If an employee
2 15 organization is decertified, the board may receive
2 16 petitions under section 20.14, provided that no such
2 17 petition and no election conducted pursuant to such
2 18 petition within one year from decertification shall
2 19 include as a party the decertified employee
2 20 organization.
2 21 Sec. _____. Section 20.16, Code 2007, is amended to
2 22 read as follows:
2 23 20.16 DUTY TO BARGAIN.
2 24 Upon the receipt by a public employer of a request

2 25 from an employee organization to bargain on behalf of
2 26 public employees, the duty to engage in collective
2 27 bargaining shall arise if the employee organization
2 28 has been certified by the board as ~~the exclusive a~~
2 29 bargaining representative for the public employees in
2 30 that bargaining unit.

2 31 Sec. _____. Section 20.17, subsection 1, Code 2007,
2 32 is amended to read as follows:

2 33 1. The employee organization certified as ~~the a~~
2 34 bargaining representative shall be ~~the exclusive a~~
2 35 representative of ~~all~~ public employees in the
2 36 bargaining unit and shall represent ~~all~~ public
2 37 employees fairly. However, any public employee may
2 38 meet and adjust individual complaints with a public
2 39 employer. To sustain a claim that a certified
2 40 employee organization has committed a prohibited
2 41 practice by breaching its duty of fair representation,
2 42 a public employee must establish by a preponderance of
2 43 the evidence action or inaction by the organization
2 44 which was arbitrary, discriminatory, or in bad faith.

2 45 Sec. _____. Section 20.18, unnumbered paragraph 1,
2 46 Code 2007, is amended to read as follows:

2 47 An agreement with an employee organization which is
2 48 the ~~exclusive~~ representative of public employees in an
2 49 appropriate unit may provide procedures for the
2 50 consideration of public employee grievances and of
3 1 disputes over the interpretation and application of
3 2 agreements. Negotiated procedures may provide for
3 3 binding arbitration of public employee grievances and
3 4 of disputes over the interpretation and application of
3 5 existing agreements. An arbitrator's decision on a
3 6 grievance may not change or amend the terms,
3 7 conditions or applications of the collective
3 8 bargaining agreement. Such procedures shall provide
3 9 for the invoking of arbitration only with the approval
3 10 of the employee organization, and in the case of an
3 11 employee grievance, only with the approval of the
3 12 public employee. The costs of arbitration shall be
3 13 shared equally by the parties.>

3 14 #3. Title page, line 1, by striking the words
3 15 <relating to> and inserting the following: <and>.

3 16 #4. By renumbering as necessary.

3 17
3 18
3 19

3 20 MAY of Dickinson

3 21 SF 413.572 82

3 22 ec/je/7485B